



MEMORANDUM

TO: Peter Mlynarik, Chair, and
Members of the Board

DATE: November 14, 2017

FROM: Erika McConnell, Director
Marijuana Control Board

RE: Regulations Project – Local
Government Approval of Odor
Emissions

Summary: As not all local governments issue “conditional use permits” for marijuana applicants, this regulations project to amend 3 AAC 306.430(d) changes “local government conditional use permit process” to “local government approval” and clarifies that odor must be specifically allowed through the approval; the existence alone of a local government approval does not authorize odor to be detectable outside a cultivation facility.

Recommendation: Put out for public comment.

(Words in **boldface and underlined** indicate language being added; words [CAPITALIZED AND BRACKETED] indicate language being deleted.)

3 AAC 306.430(c)(2) is amended to read:

(2) does not emit an odor that is detectable by the public from outside the cultivation facility except as **specifically** allowed by a local government **approval** [CONDITIONAL USE PERMIT PROCESS]; (Eff. 2/21/2016, Register 217; am __/__/____, Register____)